

105TH CONGRESS
1ST SESSION

S. 297

To establish a Presidential commission on nuclear waste, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 1997

Mr. BRYAN (for himself and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish a Presidential commission on nuclear waste,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear Waste Inde-
5 pendent Review Act”.

6 **SEC. 2. FINDINGS.**

7 Congress find that—

1 (1) despite the enactment of the Nuclear Waste
2 Policy Act of 1982 (42 U.S.C. 10101 et seq.), rate-
3 payer contributions to the Nuclear Waste Fund es-
4 tablished by section 302 of the Act (42 U.S.C.
5 10222) of over \$6,000,000,000, and expenditures of
6 over \$4,000,000,000, the high-level radioactive waste
7 program is behind schedule and is the subject of nu-
8 merous fundamental controversies, including the
9 very concept of deep geologic storage;

10 (2) the Federal Government's only proposed
11 transuranic waste disposal facility, the Waste Isola-
12 tion Pilot Plant (WIPP), is beset with unresolved
13 engineering, geologic, and certification problems and
14 suffers from cost overruns;

15 (3) Federal and State efforts to site low-level
16 radioactive waste disposal sites have failed in many
17 instances because of technical problems and public
18 opposition; and

19 (4) there has never been a comprehensive inde-
20 pendent review of Federal nuclear waste policies.

21 **SEC. 3. PURPOSE.**

22 The purpose of this Act is to establish a commission
23 to conduct a full independent review of United States nu-
24 clear waste policy.

1 **SEC. 4. ESTABLISHMENT OF COMMISSION.**

2 (a) IN GENERAL.—The President, in consultation
3 with the Science Advisor to the President and the Council
4 on Environmental Quality, shall establish a commission to
5 be known as the “Nuclear Waste Policy Review Commis-
6 sion” (referred to in this Act as the “Commission”).

7 (b) REPRESENTATION OF INTEREST GROUPS.—The
8 membership and structure of the Commission shall be de-
9 termined by the President with a view towards providing
10 representation from—

- 11 (1) environmental groups;
- 12 (2) consumer groups;
- 13 (3) taxpayer groups;
- 14 (4) the scientific community, including nuclear-
15 oriented and other fields such as biology and medi-
16 cine;
- 17 (5) State and local governments;
- 18 (6) Indian tribes;
- 19 (7) transportation experts;
- 20 (8) management experts;
- 21 (9) Federal, State, and local regulatory agen-
22 cies;
- 23 (10) utilities; and
- 24 (11) other affected industries.

1 (c) INDEPENDENT STATUS.—The Commission shall
2 be independent of the Department of Energy and other
3 Federal agencies.

4 (d) PARTICIPATION BY THE PUBLIC.—The Commis-
5 sion shall hold public meetings and provide full opportuni-
6 ties for participation by all interested parties.

7 **SEC. 5. ISSUES TO BE CONSIDERED.**

8 The Commission shall consider all issues related to
9 United States policy concerning high-level, transuranic,
10 low-level waste, and other radioactive wastes including—

11 (1) various options for high-level radioactive
12 waste storage and disposal, including deep geologic
13 disposal, on-site dry storage, monitored retrievable
14 storage, centralized interim storage, or any other op-
15 tions;

16 (2) evaluation of the experiences of other coun-
17 tries in storing and disposing of radioactive waste;

18 (3) an analysis of funding through the Nuclear
19 Waste Fund established by section 302 of the Nu-
20 clear Waste Policy Act of 1982 (42 U.S.C. 10222),
21 including fee sufficiency and strategies for providing
22 equity for ratepayer contributions to the Nuclear
23 Waste Fund;

1 (4) the siting and characterization process for
2 nuclear waste programs currently in effect and alter-
3 natives to those programs;

4 (5) technical, managerial, economic, and policy
5 analyses of the nuclear waste inventory of the Unit-
6 ed States; and

7 (6) an examination of the classification system
8 for nuclear waste currently in effect, and options for
9 reclassification.

10 **SEC. 6. REPORT.**

11 Not later than 2 years after the date of enactment
12 of this Act, the Commission shall submit to Congress a
13 report on its review under this Act, including rec-
14 ommendations for legislative or other action.

15 **SEC. 7. MORATORIUM ON ISSUANCE OF LICENSES.**

16 No Federal agency may issue a license for a facility
17 for the storage or disposal of radioactive waste (except a
18 license for temporary on-site storage) until the date on
19 which the Commission submits its report under section 6.

20 **SEC. 8. TERMINATION OF COMMISSION.**

21 The Commission shall terminate 30 days after the
22 date on which the Commission submits its report under
23 section 6.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this Act.

○